

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BLUESTONE COAL CORPORATION,	:	Case No. 1:09-cv-648
	:	
Plaintiff,	:	Judge Michael R. Barrett
v.	:	
	:	Magistrate Judge Hogan
NATIONAL CITY COMMERCIAL CAPITAL COMPANY, LLC,	:	
	:	
Defendant.	:	
	:	
And	:	
	:	
NATIONAL CITY COMMERCIAL CAPITAL COMPANY, LLC,	:	
	:	
Counter-claimant,	:	
	:	
v.	:	
	:	
BLUESTONE COAL CORPORATION, BLUESTONE INDUSTRIES, INC., JAMES C. JUSTICE COMPANIES, INC., and DYNAMIC ENERGY, INC.,	:	
	:	
Counter-defendants.	:	

ORDER OF DISMISSAL

This day came the Plaintiff, Bluestone Coal Corporation and the Third Party Defendants Bluestone Industries, Inc., James C. Justice Companies, Inc., and Dynamic Energy, Inc. by their counsel, Stephen L. Thompson and J. David Cecil of Barth and Thompson, and Frank A. Ray and J. Anthony Kington of Chester Willcox & Saxbe, L.L.P., and came also the Defendant, National City Commercial Capital Company, LLC, by its counsel, Daniel J. Buckley and Joseph

M. Brunner of Vorys, Sater, Seymour and Pease LLP, and announced to the Court that all matters in controversy in this action had been compromised and settled, and, therefore, said parties did jointly move that this action and all claims asserted therein be dismissed, with prejudice. The parties have executed a Settlement And Complete Release Of All Claims setting forth their agreement.

The Court being of the opinion that said action should be dismissed, it is therefore ORDERED that this action be, and the same hereby is, dismissed, settled, with prejudice as to the issues raised in the Complaint and First Amended Complaint upon the terms set forth in the Settlement And Complete Release Of All Claims, and stricken from the docket of this Court with each party to bear its own costs.

The Court further ORDERS that a certified copy of this order be sent to counsel of record.

ENTER: January 12, 2011

s/ Michael R. Barrett
Judge Michael R. Barrett

Presented and Prepared by:

s/ Stephen L. Thompson
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J. David Cecil WV Bar Number: 683
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s/ Frank A. Ray s/Stephen L. Thompson per written authorization

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Agreed to by:

s/ Daniel J. Buckley s/ Stephen L. Thompson per written authorization

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